

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit 846B

DATE: April 10, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 30, 2003

PROPOSAL: To increase the allowable lot coverage from 20% to 25%.

LAND AREA: 156,212.5 square feet, or 3.6 acres, more or less

CONCLUSION: This application is in conformance with the zoning ordinance.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 1, 2, and 3, the north half of Lot 4, and all of Lots 5 through 12, Block 1, Woods Brothers Bryan Sumner Acres, located in the NW1/4 of Section 32-10-7, Lancaster County, Nebraska

LOCATION: 44th and Sumner Streets

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Church

SURROUNDING LAND USE AND ZONING:

North:	Single-family residential	R-2 Residential
South:	Single-family residential	R-2 Residential
East:	Single-family residential	R-2 Residential
West:	Single-family residential	R-2 Residential

HISTORY:

Jun 1990	Administrative Amendment #90037 to Special Permit 846A approved to allow the expansion and reconfiguration of parking areas.
Sep 1988	Administrative Amendment #603 to Special Permit 846A approved to revise the landscaping plan and parking lot layout.
Aug 1987	Special Permit 846A approved to allow the church to expand its allowable lot coverage from 15% to 20%.

- Apr 1982 Board of Zoning Appeals #1322 denied. This was an appeal from a denial of the building official. Applicant sought to receive a variance allowing a reduction of the front and side yards to 0' and allow parking in the front and side yards within the R-2 district.
- Jun 1979 Special Permit 846 approved to allow a pre-school program located within the existing Christ Lutheran Church.
- May 1979 The zoning update changed the zoning designation from A-2 Single Family Dwelling to R-2 Residential.

ANALYSIS:

1. This is an application by Christ Lutheran Church to increase their allowable lot coverage from 20% to 25%. Applicant intends to add an elevator shaft along the exterior of the building, and to place a modular classroom building on this site until additional property can be acquired and a permanent structure can be built.
2. Pursuant to LMC §27.63.520, there are four conditions under which this permit may be granted. They are:

- a) "A church use shall have been located on the premises for which the special permit is requested for at least ten years."

According to the planning staff report submitted for Special Permit 846A, this church has existed at this site since at least 1959.

- b) "An expansion or expansions shall not exceed more than five percent cumulative additional lot coverage on the date the first expansion was approved. Once the expansion or expansions have reached the maximum five percent cumulative additional lot coverage over said existing lot coverage, no further expansion shall be permitted for a period of ten years."

The most recent expansion granted for this church occurred 16 years ago.

- c) "The applicant must show to the satisfaction of the city that no additional adjacent lands are reasonably available for acquisition to otherwise support the proposed expansion and that the applicant has acquired all such adjacent lands as are reasonably available."
Applicant currently owns the block bounded by 43rd, 44th, Sumner, and Franklin Streets. Applicant is in the process of acquiring properties located across 43rd

Street. At this time, there is one property owner unwilling to sell. Applicant intends to ultimately acquire this final property and expand their lot area.

- d) "The proposed expansion shall not reduce the available parking below the required minimum for the church use, including the proposed expansion."

Pursuant to LMC §27.67.040(d)(10), the parking requirement for this use equal one stall for every 50 square feet in the largest assembly hall. Applicant's proposed drawings indicate the largest assembly hall is 6,400 square feet, which equates to 128 parking stalls. The drawing indicates the proposed modular building will take up 23 parking stalls, which will leave 160 parking spaces available.

3. The existing lot coverage is 18.47% (which reflects a reduction based upon the recent removal of the parsonage). With the addition of the elevator shaft and modular classroom, lot coverage will increase to 23.39%.
4. Section 27.63.520(b) precludes the possibility of increasing the lot coverage within the next ten years.
5. The Public Works Department has no objection to the increase of lot coverage from 20% to 25%. Public Works does, however, have comments pertaining to the future development of this site as proposed by Applicant (see attached memo). These additional comments appear to be notification of issues surrounding future plans to expand, but have not been considered as part of this analysis.
6. The Building and Safety Department, Fire Prevention has no objection to this application.
7. The Building and Safety Department has not commented on this application.

CONDITIONS:

Site Specific:

1. This permits allows for an increase in lot coverage from 20% to 25%.
2. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 Before occupying buildings, all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski
Planner

Special Permit # 846B
Christ Lutheran Church

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Applicant:

Christ Lutheran Church
Terry Waak
4325 Sumner Street
Lincoln, NE 68506
483.7774

Owner:

Same as Applicant.

Contact:

The Clark Enersen Partners
Dennis Scheer
1010 Lincoln Mall, Suite 200
Lincoln, NE 68508
477.9291



Special Permit #846B
S. 44th & Sumner St.
Christ Lutheran Church





Special Permit #846B
S. 44th & Sumner St.
Christ Lutheran Church
Zoning:

One Square Mile
 Sec. 32 T10N R7E

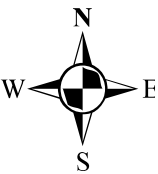
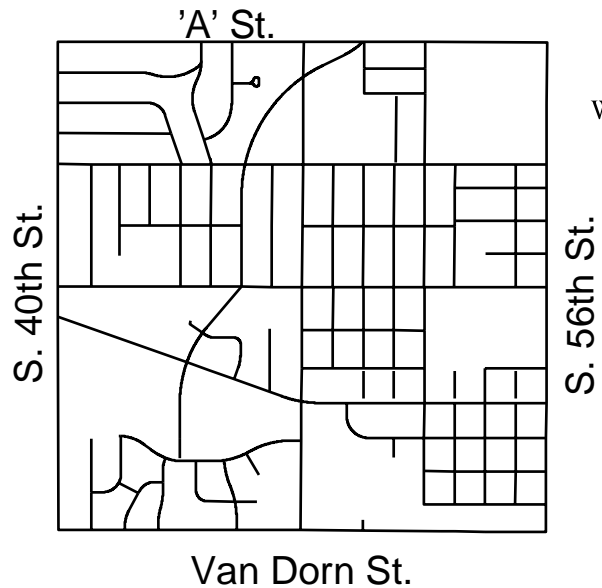
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

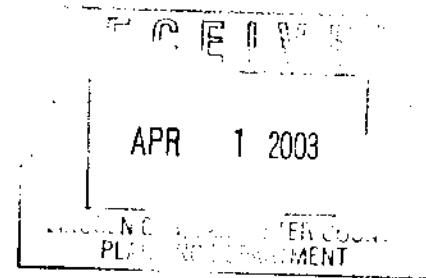


Zoning Jurisdiction Lines



City Limit Jurisdiction





MEMORANDUM

Project: Christ Lutheran Church
Project Number: 146 02 03
To: Lincoln/Lancaster Planning Department
Address: 555 S. 10th Street
Lincoln, Nebraska 68508
Attention: Ray Hill
From: Dennis Scheer
Subject: Amendment to Special Permit No. 846
Date: March 27, 2003
CC: Terry Waak, Christ Lutheran Church

Ray:

On behalf of Christ Lutheran Church, we are requesting an amendment to Special Permit No. 846 in order to allow for increased lot coverage per Chapter 27.63.520 of the Zoning Ordinance.

Amendment No. 603 for Special Permit No. 846 was approved on June 5, 1990 which allowed for an increase of the lot coverage from 15% to 20%. We are requesting that an additional 5% of lot coverage be allowed. If approved, this request would increase the lot coverage from 20% to 25%. Calculations that support this request can be found on Exhibit A which is enclosed.

We have also included drawings that indicate the congregation's mid and long term plans, for information purposes. We believe that this is important information for you to have in your records so that you can understand why some of the decisions regarding the development of this site are being made. We have outlined the development steps below:

1. Construct a 7,465.50 SF modular education building on the existing site. The congregation's need for this space is immediate (usable by August 15, 2003). Therefore, it was decided that it would be desirable to locate a modular building on the site for the short term.
2. Continue to purchase all properties to the west of 43rd Street. Christ Lutheran Church currently owns all but one of these properties. It intends to purchase the remaining property, but has not been able to negotiate a purchase price from the owner of the property. Exhibit B identifies all of the properties owned by Christ Lutheran, and shows the properties not yet purchased by the congregation.

If the remaining property that Christ Lutheran Church does not own can be purchased, the congregation would like to combine all of the properties west of 43rd Street with the Christ Lutheran property east of the 43rd Street into one lot, including the vacation and purchase of the 43rd Street right of way between Sumner and Franklin. The short term use of this property would

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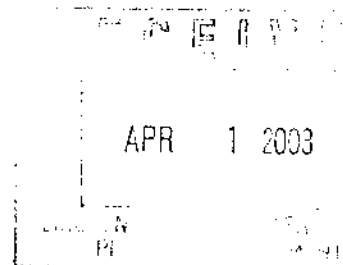
be to provide additional parking. The mid- to long-term use of this property would be to provide a site for a permanent education building and parking. After the construction of the permanent education building is complete, the modular education building would be removed from the site and replaced with a landscaped open space/playground. This proposed development is shown in Exhibit C.

The congregation would be very interested in consolidating as many of the properties that it owns on the west side of 43rd Street with as much of the street right of way as achievable as soon as possible to create additional parking. For example, Christ Lutheran would soon begin the process to purchase a portion of 43rd Street if the first seven properties located south of Sumner and the street right of way adjacent to those properties could be consolidated with the church property located to the east of 43rd Street. Under this scenario, Christ Lutheran would be willing to provide some type of cul-de-sac or hammerhead termination to 43rd Street adjacent to the property that the church does not currently own. Preliminary research indicates that all utilities including water and sanitary sewer are provided from Franklin Street to the property not owned by Christ Lutheran, and could remain available.

3. Continue to purchase all properties located to the east of 42nd Street. This is a long-term goal, but the congregation is currently in the process of closing on one of these properties. If all of the properties can be purchased, Christ Lutheran would like to develop landscaped parking areas and playfields east of 42nd Street. This long-term plan is shown in Exhibit D (this drawing is not to scale).

Thanks for taking the time a few weeks ago to meet with Terry Waak from Christ Lutheran and me to discuss these issues. If you have any questions about any of this information, please contact me.

Dennis Scheer.



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RECEIVED

APR 10 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

To: Greg Czaplewski, Planning
From:  Dennis Bartels, Public Works and Utilities
Subject: Christ Lutheran Church, 44th and Sumner
Date: April 9, 2003
cc: Randy Hoskins

Public Works has reviewed the application to increase the building lot coverage as required by the Municipal Code.

1. The proposed lot coverage request going from 20% to 25% is satisfactory to Public Works.
2. The application also shows the possible future vacation of 43rd Street between Franklin and Sumner. This vacation will not be considered until 100% of the property petitions for vacation. A replat of the area will be necessary because the vacation will eliminate frontage for some of the platted lots. The letter mentions the potential for a partial vacation with a turn-around for the lot not controlled by the church. Public Works would recommend a standard cul-de-sac be required for a partial vacation since the timing of the remainder of the block would be in question.
3. The future build out of the site will need to consider storm sewer and drainage because of the large roof areas and parking lots.